

memorandum

DATE: October 29, 2001

**REPLY TO
ATTN OF:** Office of Environmental Policy and Guidance: Fortune: 6-7302

SUBJECT: Draft EPA Guidance on LDR Alternative Soil Treatment Standards and Draft Interpretive Memorandum on Stabilization of Organic-Bearing Hazardous Wastes

TO: Distribution

Purpose The purpose of this memorandum is:

- ▶ To notify DOE elements that on October 18, 2001, the U.S. Environmental Protection Agency (EPA) published a notice announcing the availability of the following two draft documents:
 - (1) Draft *Guidance on Demonstrating Compliance With the Land Disposal Restrictions (LDR) Alternative Soil Treatment Standards*, and
 - (2) “Draft Interpretive Memorandum on Stabilization of Organic-Bearing Hazardous Wastes to Comply with RCRA Land Disposal Restrictions”
- ▶ To request that DOE elements having comments on either draft document provide their input to EH-413 for inclusion in the consolidated Departmental response.

Draft Guidance Background: Generators of contaminated soil that is subject to the LDR regulations may elect to meet either the generic treatment standards for hazardous wastes in 40 CFR 268.40, or the alternative treatment standards for contaminated soil in 40 CFR 268.49. The alternative LDR soil standards require treatment to reduce concentrations of hazardous constituents in the soil either by 90 percent or by enough so that the hazardous constituent concentrations are less than or equal to 10 times the Universal Treatment Standards (UTS) (identified in 40 CFR 268.48), whichever is greater.

Guidance Document: The draft EPA guidance discusses the LDR alternative soil treatment standards and explains why they were developed. It then presents step-by-step guidance on statistical and non-statistical approaches that can assist in evaluating attainment of the alternative LDR treatment standards for hazardous soil and in demonstrating compliance.

Draft Interpretive Memo The draft Interpretive Memorandum clarifies the question of whether, under current LDR regulations, the treatment standards for hazardous organic constituents can be met using stabilization technologies or whether such treatment would always be a type of impermissible dilution. This draft document discusses:

- ▶ Situations in which stabilization of hazardous organic constituents is likely to be a type of impermissible dilution.
 - ▶ Considerations and situations pertinent to evaluating whether stabilization of hazardous organic constituents may be permissible in case-specific situations.
 - ▶ Additional factors that should be considered during a site-specific evaluation of whether impermissible dilution is occurring when wastes containing some hazardous organic constituents are stabilized.
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Document Availability The Notice of Availability was published in the *Federal Register* at 66 FR 52918-52920, and can be accessed via the Internet at:

<http://www.epa.gov/epaoswer/hazwaste/ldr/soil-frn.pdf>

The draft *Guidance on Demonstrating Compliance With the LDR Alternative Soil Treatment Standards* can be accessed via the Internet at:

<http://www.epa.gov/epaoswer/hazwaste/ldr/ldr-soil.pdf>

The draft "Interpretive Memorandum on Stabilization of Organic-Bearing Hazardous Waste" can be accessed via the Internet at:

<http://www.epa.gov/epaoswer/hazwaste/ldr/version7.pdf>


Action Items DOE elements are requested to provide their comments on the draft Guidance and the draft Interpretive Memorandum to the Office of Environmental Policy and Guidance (EH-41) **on or before Wednesday, November 21, 2001.**

- ▶ In providing your input, please reference the specific section of the draft Guidance Document or draft Interpretive Memorandum to which each comment pertains.
- ▶ In order to expedite the preparation of the consolidated Departmental response, comments may be submitted (with a signed, hard copy to follow) to:

FAX: (202) 586-3915

E-Mail: william.fortune@eh.doe.gov

Contact If you have questions regarding the EPA Notice of Availability, the two draft documents, or this request for comments, please contact Bill Fortune at (202) 586-7302.



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